

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 VICTOR C. HARRIS,)
)
 Defendant.)

4:04CR3045

**MEMORANDUM
AND ORDER**

On August 29, 2008, I reduced Mr. Harris' prison sentence to 235 months (filing [146](#)¹) upon a pro se motion he submitted (filing [136](#)). On March 11, 2009, Harris, proceeding pro se, filed a § 2255 motion. In that § 2255 motion, Harris wrongly asserts that his prison sentence is 292 months² and that he never filed any motion concerning that judgment. (Filing [158](#) at CM/ECF pp. 1-2 ¶¶ 3 & 10.) To make matters even more confusing, Harris filed his § 2255 motion while his appeal of my ruling on his sentence reduction motion remains pending. (Filings 149-157.) This is true even though Harris asserts in his § 2255 motion that he has no appeal pending. (Filing [158](#) at CM/ECF p. 9 ¶ 14.) Under these circumstances,

IT IS ORDERED that:

1. Harris' § 2255 motion (filing [158](#)) is held in abeyance.

¹Harris sought and was given relief under the retroactive amendments to the "crack" Guidelines. He wanted a full resentencing, but I denied that aspect of his motion.

²The original prison sentence, imposed on July 11, 2006 (entered July 14, 2006), was 292 months. (Filing [102](#).)

2. The Clerk and my judicial assistant shall call this case to my attention once the decision of the Court of Appeals is received on Harris' pending appeal.
3. Although Mr. Vanderslice does not represent Harris regarding the 2255 motion, the Clerk shall provide him with a copy of this memorandum and order. The Clerk shall also provide Ms. Lipovsky, Mr. Harris and the Court of Appeals with a copy of this memorandum and order.

DATED this 25th day of March, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge